

II. INTRODUCTION

A. GOALS OF THE UPPER CLARK FORK RIVER BASIN WATER MANAGEMENT PLAN

The goals of this water management plan are historic as is the plan itself:

- To provide for continued planning and management of the waters of the upper Clark Fork River Basin rooted at the local level; and
- To balance all of the basin's beneficial water uses.

The emphasis on the local level is the new ground broken by this plan and its goals. Instead of relying on a government agency with limited input from the public, this plan calls for a continued partnership between local water users and state and federal water managers to strike and maintain a balanced management of the waters of the upper Clark Fork River.

The partnership began with an agreement voluntarily negotiated by basin water users and managers, several of whom are traditional water antagonists: basin irrigators; recreational and environmental groups; state fish managers; hydroelectric utilities; water user groups; and state and local government water management agencies. It continued with the creation by the 1991 Montana Legislature of the Upper Clark Fork River Basin Steering Committee (Steering Committee), a 21 member body drawn from these same interests and with a majority membership of local basin water users or representatives of groups of local water users. It continued over a three year period during which the Steering Committee with important assistance from other local water users produced this draft plan.

The plan set forth in the following sections is historic because of the cooperative effort of local water users. This plan was conceived and developed by basin water users and managers. The plan's recommendations to Montana's Governor, Legislature, and the basin itself maintain this local focus, calling for continuation of water planning and management rooted firmly in the upper Clark Fork River basin.

B. LEGISLATIVE MANDATE

Development of this management plan was mandated by the 1991 Montana Legislature with the passage of Senate Bill 434. This legislation, codified at MCA 85-2-335 to 338 (see Appendix A), authorized creation of the Steering Committee and directed it to write a "comprehensive water management plan" by the last day of 1994. The plan must:

- a) Consider and balance all beneficial uses of the water in the upper Clark Fork River Basin;
- b) Include a description of the standards applied, the data relied upon, and the methodology used in preparing the plan;
- c) Contain recommendations regarding the upper Clark Fork River Basin closure; and
- d) Identify and make recommendations regarding the resolution of water-related issues in the upper Clark Fork River Basin.

The plan must address the area shown on the following map, the entire upper Clark Fork Basin from the headwaters to the Milltown Dam located just upriver of Missoula.

Senate Bill 434 also closed the basin except for the Big Blackfoot and Rock Creek watersheds until June 30, 1995 to the issuance of most new water use permits. Permits for ground water, for domestic use of surface water, and for response or remedial actions pursuant to the federal Superfund statute were exempted from the closure. The period of the closure was set to provide the Steering Committee time to develop the basin water management plan and for the legislature to act on the plan's recommendations before the closure would end.

Senate Bill 434 was drafted to implement an agreement voluntarily negotiated by Upper Clark Fork water users and managers. The parties to the agreement included:

- Representatives of local irrigators - Headwaters RC&D, Granite Conservation District, and the Montana Water Resources Association;
- Recreationists and environmentalists - Trout Unlimited and the Clark Fork - Pend Oreille Coalition;
- Hydroelectric utilities - Montana Power Company and Washington Water Power Company; and
- State and local government agencies - the Departments of Fish, Wildlife and Parks and Health and Environmental Sciences and the City of Missoula.

Two of these parties, GCD and the DFWP, had applied for water reservations on the upper Clark Fork during the late 1980's. GCD had filed to reserve unallocated water for irrigation storage projects on Lower Willow Creek and Boulder Creek. The DFWP had sought to reserve unallocated waters of the Clark Fork mainstem and 17 tributaries for in-stream flow. Prior to the agreement, these applicants were headed for a collision in a contested case hearing before the Board of Natural Resources and Conservation. The parties to the agreement were generally divided into two camps in support of either the GCD or DFWP. However, rather than pay the expense of the hearing and risk an adverse result, the two camps entered into negotiations and reached agreement to postpone indefinitely the reservation process including the hearing, while preserving the priority dates of both the GCD's and DFWP's applications in return for a temporary closure of the basin to most new water rights. During the closure, a committee broadly representative of the basin's water users and managers would attempt to develop a water management plan that would resolve the need for reservations and other basin water management issues. The parties successfully lobbied the legislature to pass legislation after reaching this agreement.

C. UPPER CLARK FORK RIVER BASIN STEERING COMMITTEE

Pursuant to Senate Bill 434, the Steering Committee was appointed by the director of the Department of Natural Resources and Conservation in October of 1991. The Steering Committee initially had 20 members; another member was added at its recommendation to provide representation of the Little Blackfoot watershed. The list of the 21 original members together with the organizations, constituencies, or area they represented are shown in Table 1. Nine members are basin irrigators or represent groups of basin irrigators. Two represent environmental/recreation organizations. Three members were elected officials from the basin at the time of their appointment. One county commissioner, one state senator and one state representative. Two represent electric utilities with dams on the Clark Fork River or its tributaries. One member represents industry. Only five members are staff of local, state, or federal government agencies.

Table 1

Upper Clark Fork River Basin Steering Committee

Name	Organization
Joe Aldegarcia	City of Missoula
Audrey Aspholm	Deer Lodge County Commission
Senator Tom Beck	Senator & Rancher from Deer Lodge
Stan Bradshaw	Montana Trout Unlimited
Rep. Vivian Brooke	Representative from House District 65 (Missoula)
Jo Brunner	Montana Water Resources Association
Jim Dinsmore	Granite Conservation District
Bruce Farling	Clark Fork - Pend Oreille Coalition
Bob Fox	Environmental Protection Agency
Holly Franz	Montana Power Company
Lorraine Gillies	Rancher & Rock Creek Advisory Council Member
Gary Ingman	DHES, Water Quality Bureau
Ronald C. Kelley	Deer Lodge Valley Water User
Land Lindbergh	Big Blackfoot River
Reed Lommen	Washington Water Power Company
Eugene Manley	Flint Creek Valley DNRC
Curt Martin	Rancher - Little Blackfoot
Jim C. Quigley	ARCO
Sandy Stash	Silverbow Rancher
Ole Ueland	DFWP
Dennis Workman	
Gerald Mueller	Facilitator

The Steering Committee was facilitated by Gerald Mueller, a contractor to the Northern Lights Research and Education Institute (Northern Lights), a non-profit organization based in Missoula. The DNRC director appointed Mr. Mueller to this position because he was the facilitator for the discussions and negotiations leading to the agreement and passage of Senate Bill 434.

Northern Lights provided the funding support for the Steering Committee almost entirely from foundation grants. Steering Committee members funded their own participation in the committee, except for some meals and mileage furnished by Northern Lights. Taxpayers supported only the staff of some of the government agencies participating on or with the Steering Committee and the publishing and distribution of the draft and final plans.

D. DEVELOPMENT OF THE MANAGEMENT PLAN

The Steering Committee developed this plan over a period of just under three years, from October 1991 through July 1994. During its first year, the Steering Committee adopted ground rules to guide its activities and heard a series of briefings about basin water issues including water law, water availability, water quality, and basin water uses. It also toured several areas of the basin including the Flint Creek and Blackfoot watersheds, the Warm Springs ponds and Butte and Anaconda federal Superfund projects, the Butte and Anaconda municipal sewage treatment plants, and the Georgetown-Silver-Storm Lake water storage and conveyance system. During the second and third years, the Steering Committee, with critical assistance of watershed committees that will be discussed in the next section, developed and executed a work plan providing for production of this plan.

E. PUBLIC INFORMATION AND INVOLVEMENT

Informing and involving the public in the basin has been a primary objective for the Steering Committee in pursuing the goal of implementing water planning and management at the local level. Public information and involvement were provided through the following mechanisms.

1. Steering Committee Meetings

All Steering Committee meetings are open to the public and noticed via the print, television, and radio media throughout the basin. Twenty-nine meetings have been held to date, and the public has had the opportunity to participate freely in all of them.

2. Work Plan

The Steering Committee adopted its work plan identifying the issues to be addressed in the management plan and the process for addressing them only after holding evening public meetings in Anaconda, Ovando, Drummond, Avon, Missoula, and Philipsburg. These meetings were attended by over 220 individuals. Public input included over 100 written surveys from individual water users identifying the interests in water, suggestions about issues the plan should address, and locations of water shortages.

3. Watershed Committees

In response to the interest shown at the work plan public meetings, the Steering Committee divided the basin into six watersheds and created an on-going committee for each. The six watersheds which are shown on the Basin map following page -- were: the Upper Clark Fork Mainstem and Tributaries, the Lower Clark Fork, the Little Blackfoot, Flint Creek, Rock Creek, and the Big Blackfoot. The Steering Committee asked each watershed committee to:

- Assemble information and identify and make recommendations regarding issues specific to each watershed;
- Identify existing water uses and describe the existing water management system in its area; and

- Identify and recommend actions to resolve water issues in the watershed.

Each watershed committee was chaired by a Steering Committee member. Each met at night to allow local water users unable to attend the all-day Steering Committee meetings to participate in the development of the water management plan. In total, these committees met on 37 occasions and were attended by over 400 individuals during 1993 and 1994.

4. Basin Water Rights Closure Meeting

Together with the Montana Water Course, the Steering Committee held a basin-wide meeting on closure of basins to new water rights attended by some 30 individuals. The meeting provided general information about basin closure generally as well as the existing temporary closure in the upper Clark Fork River Basin. Through discussion and a written survey completed by 26 of the meeting attendees, the Steering Committee solicited from basin water users their interest in the use of water and their views about continuing a closure in the basin and about specific conditions, such as exempted uses, duration, etc., that should be applied.

5. Draft Plan Meetings

Public meetings were held in seven basin communities: Drummond, Deer Lodge, Anaconda, Philipsburg, Avon, Greenough, and Missoula. These meetings were held to introduce the public to the draft plan and to receive their comments on it. Attendance at the meetings is summarized in the following table:

Table 2

Meeting	Attendance		
	Public	Steering Committee	Total
Drummond	37	10	47
Deer Lodge	33	15	48
Philipsburg	21	9	30
Anaconda	31	9	40
Avon	13	8	21
Greenough	26	7	33
Missoula	52	12	64
Totals	213	70	283

A total of 178 public comments were recorded on newsprint at the meeting. In addition, the Steering Committee received 58 written comments on the draft plan from the public after the meetings. Each Steering Committee member received a complete set of the comments recorded at the public meetings as well as the subsequent written comments.

A complete listing of the types and dates of public meetings preceding the development of this plan is included in Appendix B.

6. Upper Clark Fork Water News

To inform basin water users who have not participated in its basin-wide or watershed committee meetings, the Steering Committee initiated a newsletter, *The Upper Clark Fork Water News* in the fall of 1993. Four issues have been mailed as of the fall of 1994 to all basin water rights holders living in Montana, to all people attending any Steering Committee or watershed committee meeting, and to others with an interest in water use in the upper Clark Fork identified from other mailing lists. The newsletter circulation presently exceeds 2,200 households. Topics covered in the first three issues included: an introduction to the Steering Committee and its mandate, the history leading to its creation, the Steering Committee's goal of consensus decision-making, fish habitat requirements, basin water rights closure, irrigation return flows, hydropower generation on the Clark Fork River, water storage, the Steering Committee's proposed approach to its legal mandate to balance beneficial water uses, and a proposal to use the effluent from the Deer Lodge waste treatment plant as irrigation water rather than discharging it into the Clark Fork River. The fourth issue presented the draft plan recommendations. Each issue also updated readers on the status of the development of the water management plan and introduced two or more Steering Committee members. The newsletter will also be used as an executive summary of the final basin water management plan.